

REMARKS

The Examiner has remarked upon the references cited in the "Background" of the specification as not being considered without the filing of an Information Disclosure Statement. These references are WO 094071 and US 5,172,464.

Applicant has now filed a Supplemental Information Disclosure, pursuant to 37 CFR §1.97(e), which cites WO 094071. This reference has recently been cited in the prosecution of a parallel application in the European Patent Office. The U.S. counterpart of the disclosure of WO 094071 is recited in U.S. patent 6,785,942.

Claims 1-4 and 6 stand rejected under 35 USC §112, second paragraph, for a lack of antecedence. Each of the claims 1-4 and 6 has now been amended to overcome this §112 rejection. The added claim terminology is consistent with the language of the specification. As an example, "the radial direction for a turning circle of the pallet support member" -- 17 of the pallet exchanger --. See Fig. 12 and page 20, lines 33-37 of the specification. No new matter has been added.

Claims 1-2 stand provisionally rejected for double patenting with respect to co-pending U.S. patent application 10/544,192 (US 2006/0260907). A terminal disclaimer is being filed to overcome this double patenting rejection. While claims 3-6 have not been recited in this provisional double patenting rejection, they are carried with claims 1-2 as they depend therefrom. The requisite fee pursuant to 37 CFR 1.20(d) is attached.

Claims 1-2 stand rejected under 35 USC §102(f) in view of Kikuchi (US 2006/0130311). Makino Milling Machine Co., Ltd is the assignee and owner of both the inventions of the present application US 2006/0260907 (10/541,430) and of the cited co-pending application 2006/0130311 (10/544,192), as recorded in the records of the U.S. Patent and Trademark Office at Reel/Frame: 017543/0889 and Reel/Frame: 018125/0898, respectively.

The § 102(f) rejection should now be withdrawn. Subject matter developed by another,

which qualifies as prior art under one or more subsections (e), (f), and (g) of Section 102 of 35 United States Code, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-6 stand rejected under 35 USC §102 (b) as anticipated by Geiger et al. WO 02/00388 (corresponding to US 6,816,821). This rejection is respectfully traversed.

No other prior art reference has been cited under 35 USC §102, or §103 against applicant's claims 1-6. In particular neither Mattson (US 4,480,738) nor Selander (US 4,090,287) have been relied upon by the Examiner.

Geiger does not disclose a pallet support member defining at least two pallet mounting surfaces on each of which a distinct pallet, i.e., a new pallet to which a non-machined workpiece is fixed and an old pallet to which a machined workpiece is fixed, can be removably mounted. Specifically the following limitation of claim 1 is not taught nor suggested by the relied upon reference:

"a pallet support member provided on the base so as to rotate about a vertical axis thereof in an indexing manner, having at least two vertical pallet-mounting surfaces on each of which a distinct pallet can be removably mounted"

It is requested that the application be re-examined with the above-recited amendments and then passed to issue.

No additional fees are believed to be required. In the event that an additional fee is required with respect to this communication, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Paul & Paul Deposit Account No. 16-0750. (order no. 5196)

Respectfully submitted,
Paul & Paul

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on August 13, 2007
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